

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor(s), I/we hereby declare that:

My/Our residence, post office address and citizenship are as stated below, next to my/our name(s).

I/We believe I/We am/are the original, first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

WRITE ANYWHERE FILE-SYSTEM LAYOUT

the specification of which

XX is attached hereto.  
was filed on June 3, 1993 as  
Application Serial No. 08/071,643  
and was amended on \_\_\_\_\_  
(if applicable)

I/We hereby state that I/We have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I/We do not know and do not believe that the same was ever known or used in the United States of America before my/our invention thereof, or patented or described in any printed publication in any country before my/our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I/We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I/We hereby claim foreign priority benefits under Title 35, United States Code, Section 119, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>

I/We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I/We acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Patent No.)</u>	<u>(Issue Date)</u>	<u>(Status -- patented, pending, abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status -- patented, pending, abandoned)</u>

I/We hereby appoint HARRIMAN, a firm including: Gary A. HARRIMAN, Reg. No. 31,023; and, J. D. Harriman, II, Reg. No. 3,967 with offices located at 2049 Century West, Suite 1200, Los Angeles, California 90067, telephone (310) 286-0377, my/our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor David HARRIMAN

Inventor's Signature David HARRIMAN

Date 7/26/93

Residence: 925 Wolfe Rd, Sunnyvale CA Citizenship USA

(City, State)

(Country)

Post Office Address 925 Wolfe Rd. #23

Sunnyvale, CA 94086

Full Name of Second/Joint Inventor Michael MALCOLM

Inventor's Signature Michael MALCOLM

Date 7/26/93

Residence 1 Los Altos, CA Citizenship USA

(City, State)

(Country)

Post Office Address 48 S. Acalan Dr.

Los Altos CA 94022

Full Name of Third/Joint Inventor James LAU

Inventor's Signature James LAU

Date 7/26/93

Residence Cupertino, CA Citizenship U. S. A.

(City, State)

(Country)

Post Office Address 11570 Upland Way

Cupertino, CA 95014

Full Name of Fourth/Joint Inventor Byron RAKUTZIS

Inventor's Signature Byron RAKUTZIS

Date 8/3/93

Residence 100 WILHELM VIEW CT Citizenship U.S.

(City, State)

(Country)

Post Office Address 100 N. WILHELM #130

ANAHUAC TX 78001

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (Label No. TB18643901KUS) in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on: 8-9-93

(Date of Deposit)

David HARRIMAN 8-9-93  
(Signature) Reg. No. (Date)

## POWER OF ATTORNEY

Network Appliance, Inc., a California corporation, assignee of the application for United States Letters Patent for an invention entitled:

**Write Anywhere File-System Layout**

invented by:

David Hitz, Michael Malcolm, James Lau and Byron Rakitzis

executed on even date herewith, or  
 having Serial No. 09/153,094, filed September 14, 1998,

do(es) hereby appoint Steven A. Swernofsky, Registration No. 33,040, as attorney of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connect therewith, and certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment, a copy of which is attached, from the inventor(s) of the patent application identified above.

Please send all correspondence and direct all telephone calls to:

Steven A. Swernofsky  
The Law Offices of Steven A. Swernofsky  
P.O. Box 390013  
Mountain View, CA 94039-0013  
Telephone (650) 947-0700

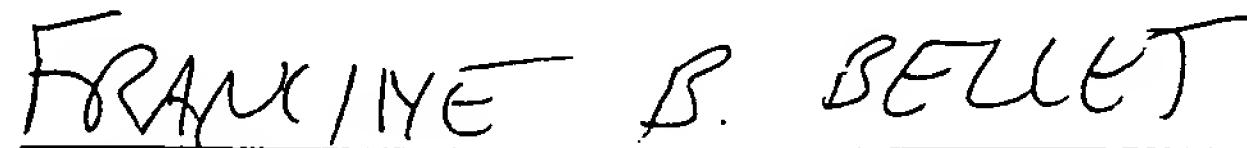
The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

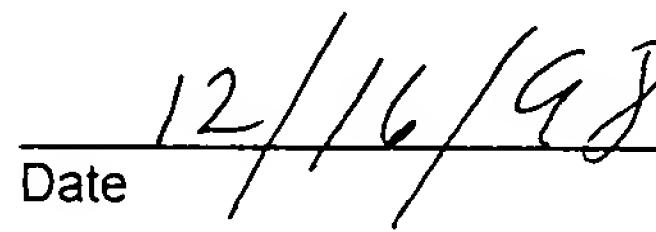
I, the undersigned, declare that I am the (an) assignee of the above-identified application, or, if the assignee is a corporation, partnership, or other association, I am authorized to make this appointment on behalf of the assignee, and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Full Assignee Name: Network Appliance, Inc.

Post Office Address: 2770 San Tomas Expressway, Santa Clara, CA 95051

  
Signature

  
Print Name

  
Date

  
Title

## ASSIGNMENT

WHEREAS, we, David Hitz, a citizen of the United States of America, residing at 801 Church Street, #1133, Mountain View, California 94041-1963, Michael A. Malcolm, a citizen of the United States of America, residing at 48 South Avalon Drive, Los Altos, California 94022, James K. Lau, a citizen of the United States of America, residing at 952 Wood Duck Avenue, Santa Clara, California 95051, and T. Byron Rakitzis, a citizen of the United States of America, residing at 816 Alameda de las Pulgas, Belmont, California 94002, have invented a "WRITE ANYWHERE FILE SYSTEM LAYOUT" for which we have executed application papers for a U.S. patent thereon, which was filed on June 3, 1993, and assigned Serial No. 08/071,643; and

WHEREAS, Network Appliance, Inc., a California corporation, having a place of business at 319 North Bernardo Avenue, Mountain View, California 94043, is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and all countries foreign thereto;

NOW, THEREFORE, for a valuable consideration, the receipt of which is hereby acknowledged, we, David Hitz, Michael A. Malcolm, James K. Lau, and T. Byron Rakitzis do ~~set~~, assign, transfer and set over unto the said Network Appliance, Inc., its successors and assigns, the full and exclusive right, title and interest in and to said invention, and in and to any and all Letters Patent to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but also for, to and in all other countries including all priority rights under the International Convention; and we hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said Network Appliance, Inc., its successors and assigns, in accordance with this Assignment.

WITNESS OUR HAND at Mountain View, California, this 25 day of MARCH, 1996.

\_\_\_\_\_  
David Hitz

\_\_\_\_\_  
James K. Lau

\_\_\_\_\_  
T. Byron Rakitzis

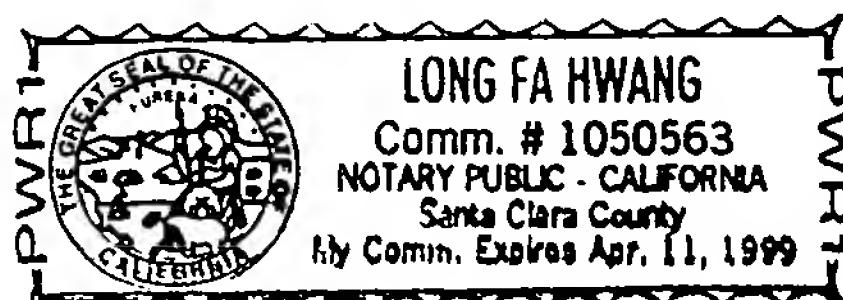
\_\_\_\_\_  
Michael A. Malcolm

STATE OF CALIFORNIA )

COUNTY OF SANTA CLARA ) ss.

On this 25 day of MARCH, 1996, before me, LONG FA HWANG, a Notary Public, personally appeared ~~David Hitz, Michael A. Malcolm, James K. Lau, and T. Byron Rakitzis~~ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is ~~are~~ subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacities, and that by ~~his/her/their~~ signature(s) on the instrument the person/s or the entity upon behalf of which the person/s acted, executed the instrument.

WITNESS my hand and official seal.



Long Fa Hwang  
NOTARY PUBLIC

## ASSIGNMENT

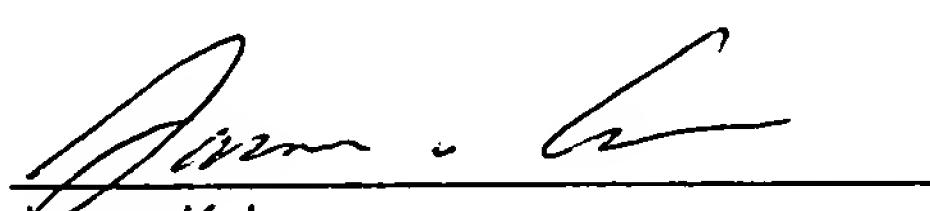
WHEREAS, we, David Hitz, a citizen of the United States of America, residing at 801 Church Street, #1133, Mountain View, California 94041-1963, Michael A. Malcolm, a citizen of the United States of America, residing at 48 South Avalon Drive, Los Altos, California 94022, James K. Lau, a citizen of the United States of America, residing at 952 Wood Duck Avenue, Santa Clara, California 95051, and T. Byron Rakitzis, a citizen of the United States of America, residing at 816 Alameda de las Pulgas, Belmont, California 94002, have invented a "WRITE ANYWHERE FILE SYSTEM LAYOUT" for which we have executed application papers for a U.S. patent thereon, which was filed on June 3, 1993, and assigned Serial No. 08/071,643; and

WHEREAS, Network Appliance, Inc., a California corporation, having a place of business at 319 North Bernardo Avenue, Mountain View, California 94043, is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and all countries foreign thereto;

NOW, THEREFORE, for a valuable consideration, the receipt of which is hereby acknowledged, we, David Hitz, Michael A. Malcolm, James K. Lau, and T. Byron Rakitzis do ~~sell~~, assign, transfer and set over unto the said Network Appliance, Inc., its successors and assigns, the full and exclusive right, title and interest in and to said invention, and in and to any and all Letters Patent to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but also for, to and in all other countries including all priority rights under the International Convention; and we hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said Network Appliance, Inc., its successors and assigns, in accordance with this Assignment.

WITNESS OUR HAND at MOUNTAIN VIEW, California, this 25 day of MARCH, 1996. (SANTA CLARA COUNTY)

  
David Hitz

  
James K. Lau

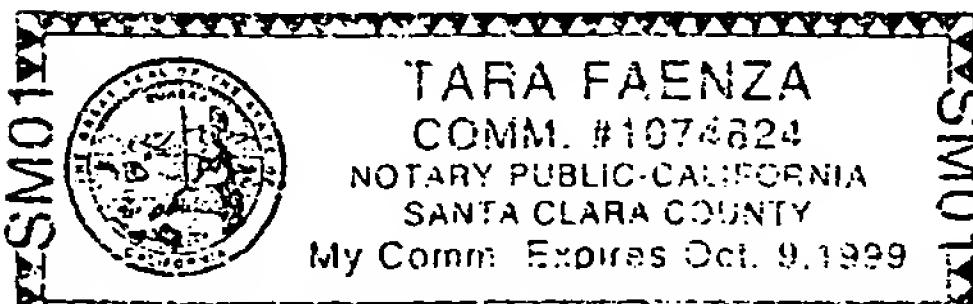
Michael A. Malcolm

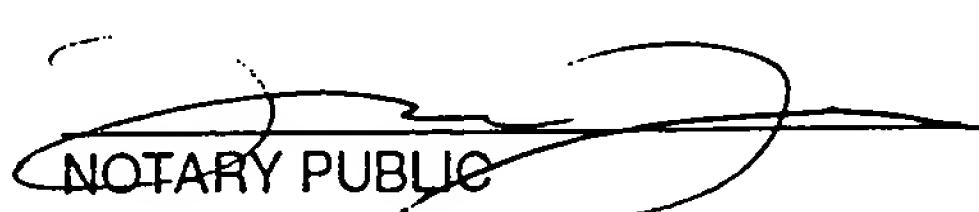
T. Byron Rakitzis

STATE OF CALIFORNIA )  
) ss.  
COUNTY OF SANTA CLARA )

On this 25 day of MARCH, 1996, before me, TARA FAENZA, a Notary Public, personally appeared David Hitz, Michael A. Malcolm, James K. Lau, and T. Byron Rakitzis ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person/s whose name is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in his/her/their authorized capacities, and that by his/her/their signature/s on the instrument the person/s or the entity upon behalf of which the person/s acted, executed the instrument.

WITNESS my hand and official seal.



  
NOTARY PUBLIC



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 18, 1996

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\*100183173A\*

D'ALESSANDRO & RITCHIE  
NICKI KUZN  
P.O.BOX 640640  
SAN JOSE, CA 95164-0640

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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RECORDATION DATE: 04/22/1996

REEL/FRAME: 7909/0651  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

MALCOLM, MICHAEL A.  
NETWORK APPLIANCE, INC.  
319 NORTH BERNARDO AVENUE  
MTN. VIEW, CALIFORNIA 94043

DOC DATE: 04/11/1996

SERIAL NUMBER: 08071643  
PATENT NUMBER:

FILING DATE: 06/03/1993  
ISSUE DATE:

STEVEN POST, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

04-30-1996

H

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To the Honorable Commissioner of P

100183173

58140  
shed original documents or copy thereof.

## 1. Name of conveying party(ies):

Michael A. Malcolm

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

 Assignment Merger Security Agreement Change of Name Other \_\_\_\_\_

Execution Date: April 11, 1996

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

08/071,643

## B. Patent No.(s)

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: D'Alessandro &amp; Ritchie

Internal Address: \_\_\_\_\_

Street Address: P. O. Box 640640

City: San Jose State: CA ZIP: 95164-0640

6. Total number of applications and patents involved: 7. Total fee (37 CFR 3.41).....\$  Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

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060 JS 04/26/96 08071643

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Nicki Kuzn

Name of Person Signing

Nicki Kuzn

Signature

4/16/96

Date

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Total number of pages including cover sheet, attachments, and document:

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04-30-1996

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To the Honorable Commissioner of Patents and

d original documents or copy thereof.

## 1. Name of conveying party(ies):

David Hitz  
James K. LauAdditional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

Assignment  Merger

Security Agreement  Change of Name

Other \_\_\_\_\_

Execution Date: March 25, 1996

## 2. Name and address of receiving party(ies)

Name: Network Appliance, Inc.

Internal Address: \_\_\_\_\_

Street Address: 319 North Bernardo Avenue

City: Mtn. View State: CA ZIP: 94043

Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

08/071,643

## B. Patent No.(s)

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Internal Address: \_\_\_\_\_

Street Address: P. O. Box 640640

City: San Jose State: CA ZIP: 95164-0640

6. Total number of applications and patents involved:  1

7. Total fee (37 CFR 3.41).....\$ 40

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Nicki Kuzn

Name of Person Signing

Signature

4/16/96

Date

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Total number of pages including cover sheet, attachments, and document:



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
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Washington, D.C. 20231

JULY 19, 1996

PTAS



\*100183171A\*

D'ALESSANDRO & RITCHIE  
NICKI KUZN  
P. O. BOX 640640  
SAN JOSE, CA 95164-0640

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
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RECORDATION DATE: 04/22/1996

REEL/FRAME: 7909/0674

NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HITZ, DAVID

DOC DATE: 03/25/1996

ASSIGNOR:

LAU, JAMES K.

DOC DATE: 03/25/1996

ASSIGNEE:

NETWORK APPLIANCE, INC.  
319 NORTH BERNARDO AVENUE  
MTN. VIEW, CALIFORNIA 94043

SERIAL NUMBER: 08071643

FILING DATE: 06/03/1993

PATENT NUMBER:

ISSUE DATE:

SEDLEY PYNE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
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JULY 19, 1996

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P.O. BOX 640640  
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RECORDATION DATE: 04/22/1996

REEL/FRAME: 7909/0653  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

RAKITZIS, T. BYRON

DOC DATE: 03/25/1996

ASSIGNEE:

NETWORK APPLIANCE, INC.  
319 NORTH BERNARDO AVENUE  
MTN. VIEW, CALIFORNIA 94043

SERIAL NUMBER: 08071643

FILING DATE: 06/03/1993  
ISSUE DATE:

PATENT NUMBER:

SEDLEY PYNE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

APR 22 1996

04-30-1996

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To the Honorable Commissioner of Patents and Trademarks: Please \_\_\_\_\_

Original documents or copy thereof. □

## 1. Name of conveying party(ies):

T. Byron Rakitzis

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

 Assignment Merger Security Agreement Change of Name Other \_\_\_\_\_Execution Date: March 25, 1996

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Nicki Kuzn

Name of Person Signing

Nicki Kuzn

Signature

4/16/96

Date

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Total number of pages including cover sheet, attachments, and document:

## ASSIGNMENT

WHEREAS, we, David Hitz, a citizen of the United States of America, residing at 801 Church Street, #1133, Mountain View, California 94041-1963, Michael A. Malcolm, a citizen of the United States of America, residing at 48 South Avalon Drive, Los Altos, California 94022, James K. Lau, a citizen of the United States of America, residing at 952 Wood Duck Avenue, Santa Clara, California 95051, and T. Byron Rakitzis, a citizen of the United States of America, residing at 816 Alameda de las Pulgas, Belmont, California 94002, have invented a "WRITE ANYWHERE FILE SYSTEM LAYOUT" for which we have executed application papers for a U.S. patent thereon, which was filed on June 3, 1993, and assigned Serial No. 08/071,643; and

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\_\_\_\_\_, 1996.

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Michael A. Malcolm

James K. Lau

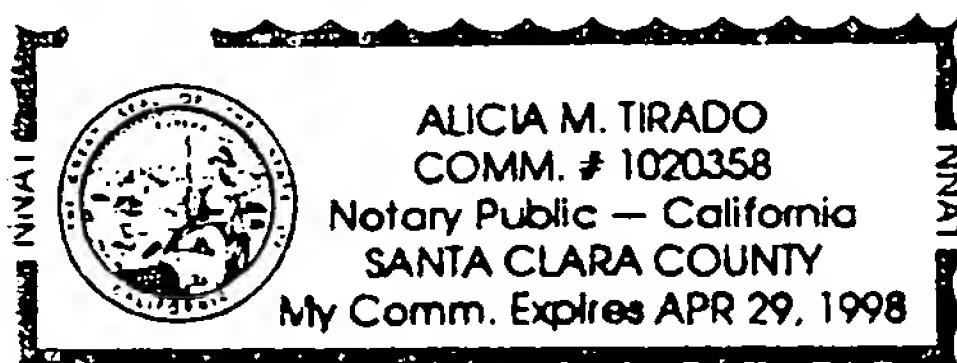
T. Byron Rakitzis

STATE OF CALIFORNIA )

COUNTY OF Santa Clara ) ss.

On this 11th day of April, 1996, before me, Alicia M. Tirado, a Notary Public, personally appeared David Hitz, Michael A. Malcolm, James K. Lau, and T. Byron Rakitzis personally known to me (or proved to me on the basis of satisfactory evidence) to be the person/s whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacities, and that by his/her/their signature/s on the instrument the person/s or the entity upon behalf of which the person/s acted, executed the instrument.

WITNESS my hand and official seal.



Alicia M. Tirado  
NOTARY PUBLIC